

1 MARK D. PETERS (sbn110981)
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4 Attorney for Defendant
HEALDSBURG UNIFIED SCHOOL DISTRICT
5

6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8

9 A.S., a minor; JUDITH SANDERSON,
individually and as parent of her minor
10 child,

11 Plaintiffs,
12 v.

13 HEALDSBURG UNIFIED SCHOOL
DISTRICT,

14 Defendant.

No. C 08-01776 CW

ANSWER OF DEFENDANT
HEALDSBURG UNIFIED SCHOOL
DISTRICT TO COMPLAINT FOR
DAMAGES

DEMAND FOR JURY TRIAL

15 _____ /
16 COMES NOW Defendant Healdsburg Unified School District, a public entity,
17 which specifically admits and denies the allegations of Plaintiffs' Complaint for Damages
18 as follows:

19 Defendant admits that the Healdsburg Unified School District is a public
20 entity School District located in the County of Sonoma, State of California, that this Court
21 has jurisdiction over the matter, that Plaintiff A.S. is of Asian (Chinese) ancestry and
22 attended Healdsburg Junior High School during the 2006-2007 school year which is operated
23 by the School District, that Judith Sanderson is employed as an elementary school teacher
24 by the School District, and that the School District is a recipient of funds from the federal
25 Government. Defendants specifically deny all of the remaining allegations of Plaintiffs'
26 Complaint for Damages.
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1 AS AND FOR A FIRST, SEPARATE, DISTINCT AND AFFIRMATIVE
2 DEFENSE to the Complaint herein, this answering Defendant alleges that the Complaint
3 fails to state facts sufficient to constitute a cause of action against it.

4 AS AND FOR A SECOND, SEPARATE, DISTINCT AND AFFIRMATIVE
5 DEFENSE to the Complaint herein, this answering Defendant alleges that the Complaint
6 fails to state a claim upon which relief may be granted.

7 AS AND FOR A THIRD, SEPARATE, DISTINCT AND AFFIRMATIVE
8 DEFENSE to the Complaint herein, this answering Defendant alleges that Plaintiffs were
9 themselves negligent in and about the matters set forth, and that such negligence contributed
10 as a proximate cause to the injuries and damages of which they complain.

11 AS AND FOR A FOURTH, SEPARATE, DISTINCT AND AFFIRMATIVE
12 DEFENSE to the Complaint herein, this answering Defendant alleges that it is immune from
13 liability pursuant to the provisions of California Government Code Sections 815 through
14 840.6, inclusive.

15 AS AND FOR A FIFTH, SEPARATE, DISTINCT AND AFFIRMATIVE
16 DEFENSE to the Complaint herein, this answering Defendant alleges that the causes of
17 action of the Complaint are barred by the applicable statutes of limitations and by Plaintiffs'
18 failure to comply with the claims presentation requirements of the California Government
19 Code.

20 AS AND FOR A SIXTH, SEPARATE, DISTINCT AND AFFIRMATIVE
21 DEFENSE to the Complaint herein, this answering Defendant alleges that the injuries alleged
22 by Plaintiffs, if any, were proximately caused by the acts of a third person or persons for
23 which this Defendant may not be held liable.

24 AS AND FOR A SEVENTH, SEPARATE, DISTINCT AND
25 AFFIRMATIVE DEFENSE to the Complaint herein, this answering Defendant alleges that
26 it enjoys qualified and unqualified immunity from liability for each of the causes of action
27

1 in the Complaint.

2 AS AND FOR AN EIGHTH, SEPARATE, DISTINCT AND AFFIRMATIVE
3 DEFENSE to the Complaint herein, this answering Defendant alleges that, should Plaintiffs
4 recover damages against Defendant, said Defendant should be entitled to have the amount
5 reduced or eliminated to the extent that Plaintiffs have failed to take reasonable steps to
6 mitigate those damages.

7 AS AND FOR A NINTH, SEPARATE, DISTINCT AND AFFIRMATIVE
8 DEFENSE to the Complaint herein, this answering Defendant alleges that some or all of
9 Plaintiffs' claims may be precluded by the exclusive remedy of workers' compensation.

10 WHEREFORE, this answering Defendant prays that judgment be entered as
11 follows:

- 12 1. That Plaintiffs take nothing by their Complaint;
13 2. For attorneys' fees and costs of suit incurred herein;
14 3. For such other and further relief as the Court deems proper.

15
16 DATED: June 17, 2008

17
18 /s/ Mark D. Peters
19 Mark D. Peters
Attorney for Defendant

20
21 DEMAND FOR JURY TRIAL

22 Defendants hereby demand a trial by jury of all of the causes of Plaintiffs'
23 Complaint.

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25 DATED: June 16, 2008

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28 DEFENDANT'S ANSWER

1 /s/ Mark D. Peters
2 Mark D. Peters
3 Attorney for Defendant

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1 PROOF OF SERVICE
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I am a citizen of the United States and a resident of the County of SONOMA.
3 I am over the age of 18 years and not a party to the within above-entitled action. My
4 business address is 645 Fourth St., Suite 213, Santa Rosa, California 95404. On the below
5 mentioned date, I served the ANSWER AND DEMAND FOR JURY TRIAL on the
6 attorneys of record in said action by entering it into the ECF System accessible to opposing
7 Counsel:

8 Mr. Stephen J. Duggan
9 640 Healdsburg Avenue
Healdsburg, CA 95448

10 I declare under penalty of perjury under the laws of the State of California that
11 the foregoing is true and correct.

12 Dated: June 17, 2008

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15 /s/ Mark D. Peters
16 Mark D. Peters
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28 DEFENDANT'S ANSWER